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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,972	04/20/2001	Amy E. Battles	10007461-1	1252

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EXAMINER

RAHMJOO, MANUCHER

ART UNIT

PAPER NUMBER

2676

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/838,972	BATTLES, AMY E.
Examiner	Art Unit	
Mike Rahmjoo	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 September 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 4 have been considered but are moot in view of the new ground(s) of rejection.

As per the telephonic interview with the applicant's representative Mr. Ken Koestner made on 10/15/2003 the examiner agreed as to the lack of photographic image within the prior art made of the record.

Accordingly the examiner has changed the rejection and a new rejection is enclosed herewith.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1- 3, 5- 13, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Nolan (US Patent 5,754,873).

As per claims 1, 19 and 20 Nolan teaches displaying an image to the user; receiving information from the user for said image, said information comprising ranking information (display size); and sizing said image (text size) based on said ranking information see for example column 2 lines 25- 67 and column 3 lines 1- 25 and figures 2 and 3a- c.

As per claim 2 Nolan teaches generating an album page including said sized image see for example figures 2 and 3a- c.

As per claim 3 Nolan teaches printing said album page see for example figure 3a and column 7 lines 28- 31.

As per claim 5 Nolan teaches image is stored as image data, further comprising storing said ranking information in association with said image data see for example column 2 lines 25- 67 and column 3 lines 1- 25.

As per claim 6 Nolan teaches repeating said displaying and said receiving for a plurality of images, before said sizing see for example column 2 lines 25- 67 and column 7 lines 28- 41 and column 10 lines 46- 62.

As per claim 7 Nolan teaches said sizing comprises sizing to zero (deleting) all images associated with ranking information having a value less than a particular value see for example column 10 lines 15- 18.

As per claim 8 Nolan teaches generating an album page that excludes said images sized

to zero see for example column 7 lines 28- 41.

As per claim 9 Nolan teaches said ranking information has one of a plurality of discrete values see for example column 2 lines 24- 43.

As per claim 10 Nolan teaches said sizing comprises selecting a discrete image size corresponding to said ranking information see for example column 2 lines 44- 60 and column 6 lines 59- 67 through column 7 lines 1- 8 and figures 2 and 3a- c.

As per claim 11 Nolan teaches said ranking information is received from a keyboard see for example figure 2 and column 5 lines 55- 65.

As per claim 12 Nolan teaches said ranking information is received from a mouse see for example figure 2 and column 60- 65.

As per claim 13 Nolan teaches said ranking information is received from a selection control see for example column 2 lines 24- 59 and column 5 lines 56- 65 and figure 2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, and 14- 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nolan (US Patent 5,754,873) in view of Anderson et al (US Patent 6,177,956), hereinafter, Anderson.

As per claims 4, and 14- 18 Nolan teaches displaying an image to the user, receiving information from the user for said image, said information comprising ranking information (display size), sizing said image (text size) based on said ranking information see for example column 2 lines 25- 67 and column 3 lines 1- 25 and figures 2, and 3a- c; storing said ranking information in association with same image, and printing said at least one album see for example column 7 lines 28- 41 and figure 3a- c.

Nolan does not teach said image is a photographic image and a camera processor.

However, Anderson teaches a photographic image and a camera processor see for example column 4 lines 8- 14 and figure 1.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Anderson into Nolan to have an imaging device capturing an image in response to an image capture request to produce corresponding raw image data which is temporarily stored into a frame buffer which is later used by the data cell manager and thus make it a versatile and efficient piece of equipment see for example column 1 lines 45- 57.

As per claim 16 Anderson teaches an enter control electrically connected to camera processor see for example figures 1- 3.

As per claim 17 Nolan teaches said at least one ranking control controls a cursor on said camera display see for example column 2 lines 44- 59.

As per claim 18 Nolan teaches said at least one ranking control controls highlighting of a ranking option on said camera display see for example figure 2 and column 8 lines 21- 56.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure 6,262,733, 6,501,441, 5,557,728, 5,731,805, 6,373,534, and 6,304,855.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is (703) 305- 5658. The examiner can normally be reached on 6:30- 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (703) 308- 6829. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872- 9314 for regular communications and (703) 872- 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305- 4750.

Mike Rahmjoo

October 17, 2003

Matthew C. Bella
MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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